



FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA

*A Historical Summary of the rights of the
Stellaquo First Nation*



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**FIRST NATIONS WATER RIGHTS IN
BRITISH COLUMBIA:**

***A Historical Summary of the rights of the
Stellaquo First Nation***

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Gary Robinson
Project Manager
Water Management Branch

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 Fraser Lake.
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 THE STELLAQUO RESERVES AREA.
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 i) Map of Stellaquo IR 5

FIRST NATIONS WATER RIGHTS REPORT

BAND: Stellaquo Band or Stella'ten First Nation
ADDRESS: P.O. Box 760, Fraser Lake BC, V0J 1S0
CHIEF: David Luggi
PHONE: 699-8747 **FAX:** 699-6430
AFFILIATION: Carrier-Sekani Tribal Council

LOCATION:

The Stellaquo Band occupy 2 separate reserves in the Interior Plateau region of the province. The two reserves are:

- Binta Lake 6 - a 3.8 hectare reserve located along the northeast bank of Binta Lake.
- Stellaquo (Stella) 1 - a 830.5 hectare reserve located along the west bank of Fraser Lake, south of the town of Fraser Lake.

The most recent population figures compiled by the Ministry of Finance show the Stellaquo Band to have a population of 168 persons living on reserves as registered members. It's total population, including registered and non-registered members living on reserve, on crown land and off reserve is 300.

The two reserves lie at elevations ranging from 2500 feet to 3000 feet above mean sea level and experience a climate with average daily temperatures ranging from -15 degrees centigrade in January to up to 16 degrees centigrade in July. Average annual rainfall for the area totals between 30 and 50 centimetres.

Water courses of significance include:

- Fraser Lake - located between Burns Lake and Vanderhoof. The southern portion of the lake borders the Yellowhead Highway No. 16.

WATER ALLOCATIONS:

There are no records of water allocations made by either the Indian Reserve Commission, the Lieutenant Governor in Council (by an Order in Council), or by Determinations of the Board of Investigation.

The water rights of the Stellaquo Band have been recorded or affected by two actions of government over the years:

- 1) The granting of water licences in response to Federal Government or other parties' applications, for the use of water on reserves.
- 2) Actions to amend licensed rights, pursuant to provisions in the *Water Act*.

HISTORY, CURRENT STATUS, AND NOTES:

The history of water rights, the current status of rights, and notes for the Stellaquo Band with respect to the water sources for Binta Lake 6 and Stellaquo 5 are as follows:

BINTA LAKE 6

There is no indication that water licences have been granted to the Stellaquo Band with respect to Binta Lake 6. Furthermore, there is no indication that allocations of water rights to the Stellaquo Reserve have ever been intended.

STELLAQUO (STELLA) 1

Fraser Lake

History:

Feb 15, 1967

The Comptroller of Water Rights issued Conditional Water Licence 31959 to the Department of Northern Affairs and National Resources, Indian Affairs Branch in accordance with their application. This licence was given a date of precedence of January 24, 1966 and authorized the diversion of 20,000 gallons of water from Fraser Lake for waterworks purposes on Indian Reserve No. 5 (Stellaquo), Range 5, Coast District, lying north of the Stellako River, except Northern Trans-Provincial Highway

and Canadian National Railway Right-of-Way.

Mar 15, 1984

After receiving notification from the Stellaquo Band that the Band did not require the water authorized under Conditional Water Licence 31959 as they were utilizing groundwater wells, the Deputy Comptroller of Water Rights recorded Conditional Water Licence 31959 as abandoned.

Current Status:

There are a total of eleven licences on Fraser Lake, none of which are for the benefit of the Stellaquo Band.

Notes:

There are no additional notes with respect to the rights of the Stellaquo Band on Fraser Lake.

OTHER INFORMATION:

Groundwater Records:

Review of records of the Groundwater Section finds evidence of two wells on the Stellaquo Reserves, one of which yields 6 gallons of water per minute. The extent to which these wells are utilized at this time is unknown. Further details are attached to this report.

As provision of information to the Groundwater Section is voluntary, it cannot be assumed to be complete.

The proximity of the Stellaquo Band to the Village of Fraser Lake, east of Stellaquo Reserve No. 5, presents the potential for water supply to the Reserves via a municipal water system.

Municipal Water Sources:

The Village of Fraser Lake has licences to obtain water from Fraser Lake for waterworks purposes. Reports on water consumption in 1993 indicate that the District used 68,423,720 imperial gallons of water for that year. This quantity is below the authorized daily allowance for waterworks, if the District utilized all their authorized water rights.

ATTACHMENT 1

Summary of Water Rights Records

Stellaquo Band

Water Source	Priority Date	Reserve Name	File Number	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Fraser Lake	1966/01/24	Stellaquo #5	0267140	CL 31959	Abandoned		20,000 GAD/Waterworks	CL 31952: Abandoned at request of Band (March 1984).

LEGEND:

Licence Types (Document Types)

CL: Conditional Licence
EL: Final Licence

Mechanisms for Allocation (Document Type)

OIC: Order-in-Council (as issued by the Lieutenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units (Licence PUC/MOD & OIC Allotments)

GAD: Gallons a day
ΔF: Acre feet
CFS: Cubic feet per second

ATTACHMENT 2

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT
CONDITIONAL WATER LICENCE

Department of Northern Affairs
and National Resources,
Indian Affairs Branch

of

Ottawa, Ontario,

is/are hereby authorized to divert and use water as follows:—

- (a) The source(s) of the water-supply is/are **Fraser Lake.**
- (b) The point(s) of **diversion** is/are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is **24th January, 1966.**
- (d) The purpose for which the water is to be used is **waterworks.**
- (e) The maximum quantity of water which may be **diverted is 20,000 gallons a day,**
and such additional quantity
as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be **used is the whole year.**
- (g) The land upon which the water is to be used and to which this licence is appurtenant is
Indian Reserve No.5 (Stellaquo), Range 5, Coast District,
lying north of the Stellako River, except Northern Trans-
Provincial Highway and Canadian National Railway Right-of-Way.
- (h) The works authorized to be constructed are **pump, pressure tank and pipe,**
and they shall be located approximately as shown on the attached plan.
- (i) The construction of the said works **has been completed and the water shall be**
beneficially used on or before the 31st day of December, 1969.



H. D. DeBeck,
Comptroller of Water Rights.

File No. **0267140** Date issued: **15 February 1967**

Conditional Licence No. **31959**

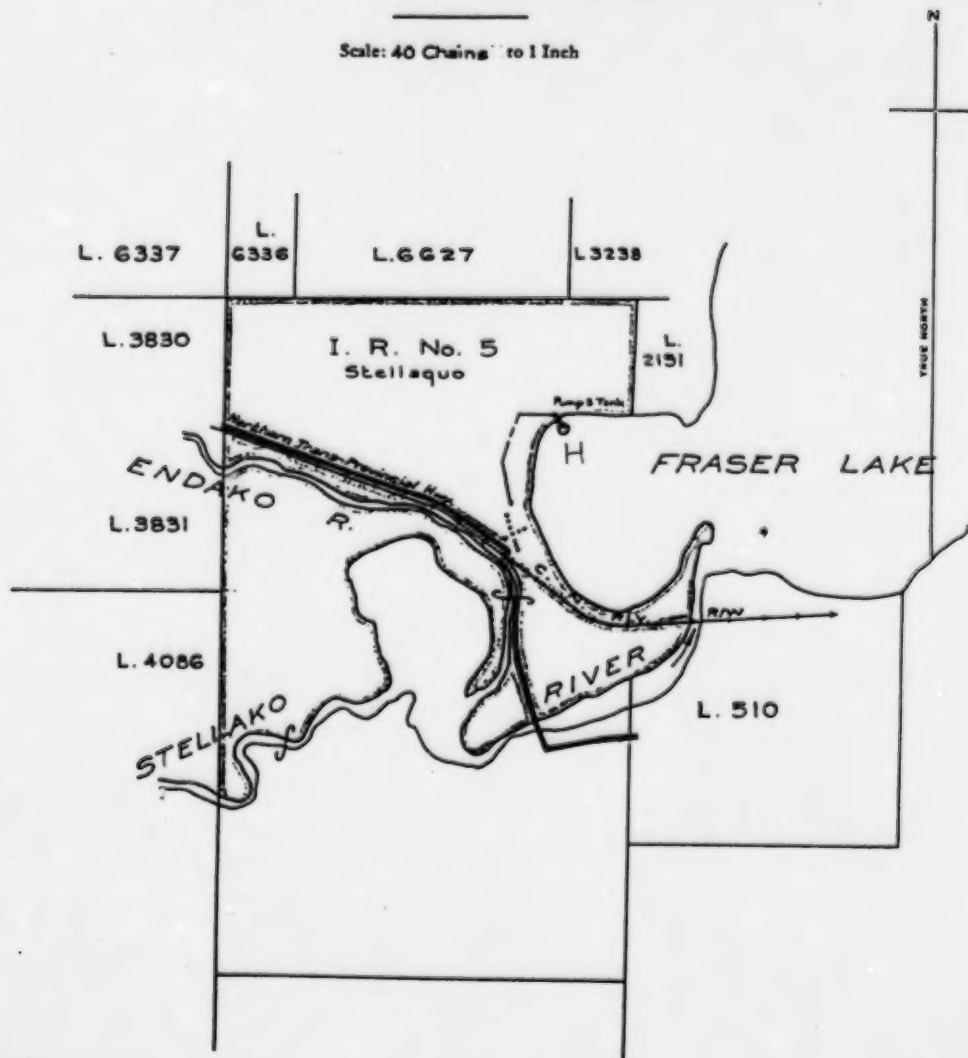
02 FEB 1967
62

ABANDONED
9384

DA

British Columbia
PRINCE GEORGE
~~FORT FRASER~~ WATER DISTRICT
R. 5 , COAST DISTRICT

Scale: 40 Chains to 1 Inch



LEGEND

Point of Diversion 
W.R. Map ~~93K/82 (A-1)~~ 93-P.000 (9090 FF) VANDERHOOF DEC. 1967
Pipe 

Right of Way 

The boundaries of the land to which this licence is appurtenant are shown thus: 

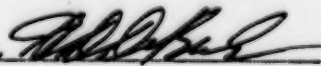
Signature 

EXHIBIT "A" **6**

For R/W see Ref. Map. 93K/82 (A-1)

Date Feb 15, 1967

CL 31959
File 0267140
RW Permit No. 6380

ATTACHMENT 3



Screen Register Report Meter License Information System

Report Requested By : D.JOLLY
Date Report Requested : 1999/06/17 09:49
Report Sorted By : Search Granted - Priority Date - License Number
Selection Criteria
START POINT : PD35105 - 93.K.004 C
END POINT : 9022228 - Fecore Lake on Nantley River

Priority	Licence File	Applicant/Company	MR Map	Licence	PUC	Quantity/Unit	Term Start	Term End	Licence Comments	Process Status
TTTT/NO/OD	Number	Number								
				POD	RED	POD	Comments		Free	
1987/07/15	C067695	0316934	14-S AC OF L 3640 R S COAST DIST EDC PLAN 4023, 5116, 5893, 6274, 7141 & TERT PART LYING NE OF RD ON PLAN 5116 & M OF PLAN 4023	POMERY CLAYTON S BOX 169 FORT FRASER B C VOLJING	188	21.75 AF	Apr 01	Sep 30		
				F	M				248 PG - VANDERBOOF	
1987/07/15	C067696	0340552	5-S AC OF L 3640 R S COAST DIST PLAN 5893	POMERY CLAYTON S BOX 169 FORT FRASER B C VOLJING	188	8.25 AF	Apr 01	Sep 30		
				F	M				248 PG - VANDERBOOF	
1988/10/23	F013308	0246920	L 1177 R S COAST DIST	EVANS WILLIAM E EVANS WILLIAM E HAUTLEY RIVER RANCH BOX 103 FORT FRASER B C VOLJING	DOWN	2,000.00 GD	Jan 01	Dec 31		
				D	M				248 PG - VANDERBOOF	
1988/05/18	C029940	0258663	SEE FILE	FRASER LAKE VILLAGE OF BOX 430 FRASER LAKE BC VOLJING	WMSLA	18,156,000.00 GT	Jan 01	Dec 31		
				C	M				248 PG - VANDERBOOF	
1988/07/28	C031021	0270279	L 2004A, 2004B, 2005, 2461 R S COAST DIST EDC M TRANS FROW RMY (PLAN 4167) & CRR R/W	PARKS BRANCO NORTHERN BC REGION 430-1011-17E AVE PRINCE GEORGE BC VOLJING	WMSOT	10,000.00 GD	Jan 01	Dec 31		
				A	M				248 PG - VANDERBOOF	

Stream Register Report

Water License Information System

DATE: 1998/08/13
TIME: 09:49
PAGE: 002

Priority	License File	Appurtenancy	License	PUC	Quantity/Units	Term	Term	License	Comments	Promote	Status
YYYY/MM/DD	Number	Number				Start	End				
Source	US Map		POD	RED	POB	Comments					
1947/01/23	C032770	0570145 L 1170 R 5 COAST DIST	PONSFORD KENNETH & MENDY BOX 339 FRASER LAKE B C V0J1S0	DOM	500.00	CD	Jan 01	Dec 31			
Fraser Lake	WRS3.E.004		J	N					24E PG - VANDERDOOF		
1947/07/21	C035710	0271843 IN 14 (SEASPARUT) R 5 COAST DIST ENC ONE R/W & N TRAILS PROV HWY	HAULEN WUSTEN INDIAN BAND 943-613-7472 BOX 34 FORT FRASER BC V0J1N0	WMS/IT	20,000.00	CD	Jan 01	Dec 31	FORMERLY FRASER LAKE INDIAN BAND		
Fraser Lake	WRS3.E.007		E	N					24E PG - VANDERDOOF		
1976/07/14	C035561	0344403 L 2007 R 5 COAST DIST ENC PLAIN 2152	FRASER LAKE SAMMILLS LTD BOX 100 FRASER LAKE BC V0J1S0	PRICE ENTER	4,000.00	CD	Jan 01	Dec 31	SAMMILL		
Fraser Lake	WRS3.E.007		C	N					24E PG - VANDERDOOF		
1979/12/20	C037142	0355423 ALL THE LANDS WITHIN THE BOTS OF	FRASER LAKE VILLAGE CV BOX 430 FRASER LAKE BC V0J1S0	WMS/IA	122,440,000.00	CV	Jan 01	Dec 31			
Fraser Lake	WRS3.E.004		C	N					24E PG - VANDERDOOF		
1982/10/17	C044018	7000146 L 5 BLK A PLAIN 5134 MAUTLEY IN R 5 COAST DIST	VOTE GEORGE R & MARY R GB FORT FRASER BC V0J1N0	DOM	500.00	CD	Jan 01	Dec 31	LAND LEASED TO VOTE GEORGE R & MARY R		
Fraser Lake	WRS3.E.007		J	N					24E PG - VANDERDOOF		

Stream Register Report

Water License Information System

DATE: 1995/06/17
TIME: 09:49
PAGE: 003

Priority License File
TTTT/MM/DD Number Number

Appurtenancy

Licenses

PUC

Quantity/Units Term License Comments

Fee/acre Status

Source

SR Map

POD SED POD Comments

Fee

1991/12/18 C184668 7060518 LOT 1 OF DISTRICT LOT 3610 RANGE 5 CO SCOTT HART-AMM
PO BOX 1871
VANDERHOOF BC
V0J3A0

500.00 CD Jan 01 Dec 31 CERTIFICATE OF TITLE SHOWS HART-AMM SCOT
T AS THE PROPERTY OWNER BUT THE
APPLICANT IS GEORGE SCOTT
A PCL IS REQUIRED FOR 360'x13' VANDERHOOF
A UCL COURT RANGE 5 FINDER LAKE

Fraser Lake

NR93.R.007

X N

24E PG - VANDERHOOF

----- Total of 11 Licenses Reported -----

ATTACHMENT 4

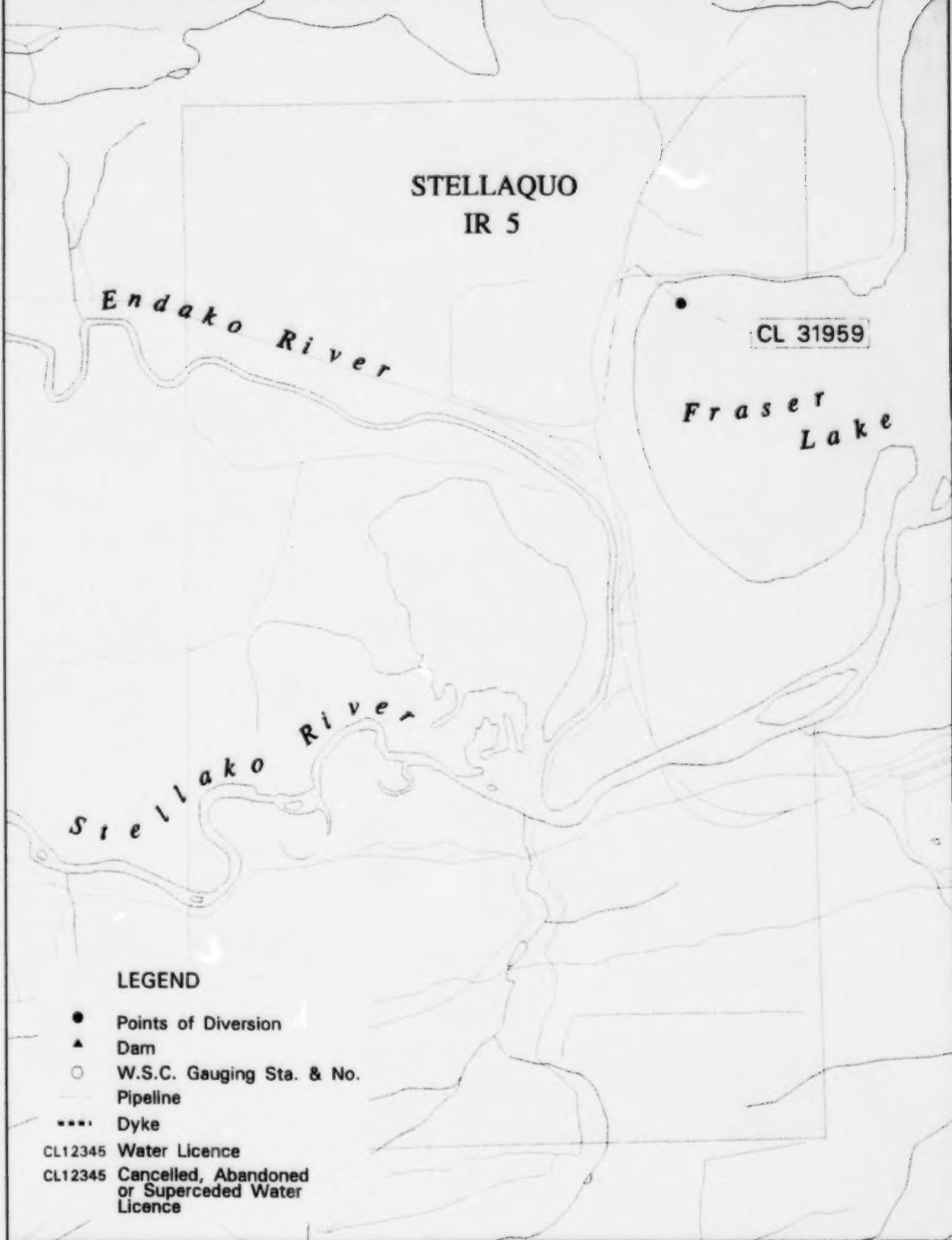
16/08/95

Ministry of Environment - Water Management Branch - Groundwater Section
 Groundwater Monitoring System
 Data Summary - with Legal Descriptions and Old Coordinates

MCES Map Area	Well No.	Well Tag No.	Lot No.	Plan No.	Blk No.	TP	SC	NO	D.L.	Z	X	Y	Old Well No.	L.D.	Site Address	Date Constructed (day)	Well Depth (ft.)	Well Diam. (in.)	Drill Center No.	Const. Method	Well Yield Unit.	Yld. Unit.	Depth to Water (ft.)	Depth to Litho (ft.)	Screen Interval (ft.)	G.W. Mgt.
093K.004.2.3.001	001	000000026038								04	42	16	001	14			184.0	6.0	044	DNE	6.0	GPM	9	UMC		
093K.004.2.3.002	002	000000026039								04	42	16	002	14			88.0	6.0	044	DNE			UMC	UMC		
093K.004.2.3.003	003	000000026040								04	42	16	003	14			140.0	6.0	024	DNE	0.5	GPM	10	UMC		
093K.004.2.3.004	004	000000026041								04	42	16	004	14	May 16		488.0	0.0	022	DNE	2.0	GPM	70	UMC		
093K.004.2.3.005	005	000000026042								04	42	16	005	14			200.0	0.0	044	DNE	2.0	GPM	10	UMC		
093K.004.2.3.006	006	000000026043								04	42	16	006	14			18.0	0.0	044	DNE			11	UMC		

DISCLAIMER: The Province disclaims all responsibility for the accuracy of this information. This information should not be used as a basis for making financial or any other commitments.

ATTACHMENT 5



Fraser Lake

Scale 1:20,000